

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Kharon Kincannon,

Plaintiff,

No. 11-13780

v.

Hon. Nancy G. Edmunds

Detroit Public Schools, L. Maxie,
Godwin Iduma, Ramon Jones, Karen
McEwen, Velma Snow, Aleyah Davis,
in their individual and official capacities,

Defendants.

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ORDER REMANDING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff Kharon Kincannon filed suit against Defendants, Detroit Public Schools, L. Maxie, Godwin Iduma, Ramon Jones, Karen McEwen, Velma Snow, Aleyah Davis, in their individual and official capacities, in the Circuit Court for the County of Wayne. Defendants filed a notice of removal to this Court on August 30, 2011. Defendants' notice for removal is timely under 28 U.S.C. § 1446.

While alleged violations of 42 U.S.C. § 1983 and the U.S. Constitution are cognizable in this Court pursuant to 28 U.S.C. § 1343, Plaintiff's complaint also presents claims based on state law. Since the parties to this matter are nondiverse, this Court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Thus, pursuant to 28 U.S.C. § 1367(c), all of plaintiff's state law claims including,

without limitation, assault and battery (Count I), gross negligence (Count II), and allegation of violation of violation of the Michigan Child Protection Laws, MCL 722.623 (Count III), are hereby REMANDED to Wayne County Circuit Court.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: October 5, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 5, 2011, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager